

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Thursday, December 7, 2006 in Room 4412 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 1:13 PM:

Stephanie Youngblood, DC, President
Ian Yamane, DC, Secretary
Donald Miner, DC, Member
Richard McCann, J.D., Consumer Member

Dr. Youngblood determined that a quorum was present and called the meeting to order. Also present were Deputy Attorney General David Newton and CPBN Executive Director Cindy Wade. Dr. Margaret Colucci, Vice President, arrived at 1:20 PM. Member Dr. Curtis Potts was not present.

Consumer Member Rick McCann led those present in the Pledge of Allegiance.

Agenda Item 1 APPROVAL OF AGENDA

Dr. Miner moved for approval of the agenda. Dr. Yamane seconded and the motion passed unanimously.

Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)

There were no public interest comments.

Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: November 3, 2006

Dr. Miner moved for approval of the November 3, 2006 meeting minutes. Dr. Youngblood seconded the motion which passed with all in favor.

Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:

- A. Bank balance as of November 30, 2006**
- B. Income/Expense Report: July 1, 2006 through November 30, 2006**
- C. Accounts Receivable as of November 30, 2006**
- E. Accounts Payable as of November 30, 2006**
- F. Extraordinary Items/Items of Concern**

Cindy Wade distributed copies of the drafted 2004-2006 audit as prepared by the Grant Thornton audit firm, as well as their letter of explanation for their failure to produce it by December 1, 2006. Dr. Miner will contact Grant Thornton and request a reduction of their bill because of their late production of the report. Dr. Miner moved for approval of the Board Financial Reports as presented. The motion was seconded by Dr. Youngblood and passed unanimously.

CONSENT CALENDAR

Agenda Item 5 Approve Executive Director reports:

- A Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory:**
 - 1. Costs assessed since last report**
 - 2. Costs assessed year-to-date**
 - 3. Costs collected since last report**
 - 4. Costs collected year-to-date**

Dr. Miner moved that Agenda Item No. 5 be removed from the Consent Calendar. Dr. Yamane seconded the motion and it passed unanimously.

Agenda Item 5A Status of Complaints Received

Dr. Miner moved for approval of the Status of Complaints Received report, Dr. Youngblood seconded and the motion passed unanimously.

Agenda Item 5B Status of Current Probations

The seminar that Dr Randy Mantz attended to satisfy a requirement of his Agreed Settlement was denied. Cindy will contact him about attending another seminar.

Dr. Rubin failed to take the CPBN law test on December 5 as scheduled in another attempt to comply with the requirement in the Agreed Settlement that he take and pass the test by June, 2006. He will be advised through his attorney that he must take the test in Reno on February 14, 2007.

Dr. Miner moved for approval of the report on Status of Current Probations. Dr. Yamane seconded the motion and it passed unanimously.

Agenda Item 5C Legal/Investigatory:

- 1. Costs assessed since last report**
- 2. Costs assessed year-to-date**
- 3. Costs collected since last report**
- 4. Costs collected year-to-date**

Dr. Miner moved to approve the Legal/Investigatory report. Dr. Yamane seconded and the motion passed with all in favor.

ADMINISTRATIVE AGENDA

Agenda Item 6 Discussion/possible action regarding the applicability of the Board's guidelines regarding compliance officers adopted September 9, 2006, to settlement agreements requiring compliance officers adopted prior to that date.

Dr. Tad Tenney and his attorney, Kathleen Janssen, were present. Following discussion about the applicability of the Board's recently adopted compliance guidelines to the monitoring of Dr. Tenney's compliance, Dr. Miner made a motion that it is the CPBN's position that it does not impose new guidelines into previously arranged compliance monitoring. Dr. Colucci seconded and the motion passed with all in favor. Dr. Tenney's compliance reports will continue as originally established.

Agenda Item 7 Discussion/possible action regarding questions posed by Michael Miscoe regarding compliance monitoring parameters.

Due to the Board's decision with respect to Agenda Item 6, this matter was deemed to be moot and was not addressed. Dr. Miner suggested that some of Mr. Miscoe's questions should be extracted and reviewed at a future meeting.

Agenda Item 8 Discussion/possible action regarding pending complaint against CPBN.

DAG Newton gave a brief verbal report on the current status of Dr. Mark Witt's complaint.

Agenda Item 9 Discussion/possible action regarding approval of Application for Licensure of DC applicant Michael R. Taylor.

Dr. Miner made a motion to grant a conditional license to Michael R. Taylor with specific requirements that Dr. Taylor reimburse the Board's costs and pay a \$1,000 fine by June 30, 2007, and be on probation for two years. Dr. Youngblood seconded and the motion passed with all in favor.

Agenda Item 10 Approval of granting of Doctor of Chiropractic licenses to applicants who passed the November 8, 2006 examination and whose applications are complete.

Dr. Miner moved to grant licenses to the Doctors of Chiropractic who passed the November 8, 2006 Law test. The motion was seconded by Dr. Yamane and passed unanimously.

Agenda Item 11 Status report/discussion/possible action regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines it has no jurisdiction over the subject or providing direction to pursue the matter further.

A. Complaint 02-13

Dr. Youngblood explained that this complaint was never an official complaint, but was filed as a matter of concern. The doctor who filed it has moved to Australia. Dr. Miner moved for dismissal of the complaint. Rick McCann seconded and the motion passed unanimously.

B., C., D, and E. Complaints 04-29, 04-30, 04-31 and 04-32

Dr. Youngblood reported that these complaints are retaliatory in timing and nature. The complaints are all the same, filed by different individuals in response to the person who filed a complaint against them. They have been investigated and found to be without merit. Dr. Youngblood moved for dismissal of these complaints. The motion was seconded by Rick McCann and passed unanimously.

Agenda Item 11F Complaint 06-15 (Potts)

The complainant in this case objected to the amount he was charged, although the doctor did refund \$25, and the unprofessional manner in which the doctor conducted himself, neither of which is a violation. Dr. Miner moved that the complaint be dismissed. Dr. Youngblood seconded and the motion passed unanimously.

Agenda Item 11G Complaint 06-23 (Yamane)

Dr. Yamane explained that the patient who filed this complaint misunderstood because she did not think she should have to pay for all of the charges for her x-rays. Dr. Yamane moved for dismissal of this complaint, Rick McCann seconded and the motion passed unanimously.

Agenda Item 12 Report from CPBN investigator on progress of current investigations.

The Board discussed with Investigator Gina Crown the current backlog of complaints and investigations and ways in which they may be expedited.

Agenda Item 13 Discussion/possible action for finalization of Board's response to Western States Chiropractic College Scope of Practice Questionnaire.

_____ This matter was postponed until later in the meeting.

Agenda Item 14 Report from Elizabeth Foley, Esq., on her projections on the number of hours, costs and completion dates for her cases.

_____ Attorney Foley was present and verbally reported on the status and costs of the cases that are currently assigned to her.

Agenda Item 15 Discussion/possible action regarding establishment of Board's position regarding entry into licensees' offices for investigations.

Ms. Foley reported on her research to date into this issue. Dr. Youngblood moved that a complaint should be filed against a DC if he does not produce patient records that have been requested or subpoenaed by the Board. Dr. Colucci seconded and the motion passed with all in favor.

Agenda Item 13 Discussion/possible action for finalization of Board's response to Western States Chiropractic College Scope of Practice Questionnaire.

The Board members' responses to the survey were reviewed. The procedures on which the members unanimously agreed will be forwarded to Western States and the balance will be addressed again at the next meeting.

Agenda Item 16 Discussion/possible action with respect to approval of CPBN BDR 54-473.

Dr. Miner moved for approval of the Board's bill draft as prepared by LCB. Dr. Yamane seconded the motion and it passed unanimously.

NON-ACTION ITEMS:

Agenda Item 17 Committee Reports.

There were no reports from the Board's committee chairs.

Agenda Item 18 Correspondence Report.

_____The Board instructed Cindy Wade to respond to letters from Drs. James T. Overland, Sr., John Sherwood and Russ Hollinger. The Board determined that there should be no response to a letter from Walter S. Wiese, DC.

Agenda Item 19 Board Member Comments.

The Board's next meetings will be held in Las Vegas on Saturday, January 27, Saturday, February 24 and Friday, March 23, 2007.

Agenda Item 20 Public Comment.

There was no public comment.

Agenda Item 21 Adjournment.

Dr. Miner moved for adjournment. Dr. Colucci seconded and the motion passed unanimously.

Approved: January 27, 2007

Ian K. Yamane, DC, Secretary